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HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			PASIEWICZ, DANIEL M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The prosecution of this application has been transferred to Examiner Dan Pasiewicz from the docket of Examiner John Morehead. Any inquiry concerning this Office Action or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

Response to Arguments

2. Applicant's arguments with respect to claims 26-40 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because of the following informalities: Minor typographical error.

- Page 8 line 18 states "RDAM 9" instead of "DRAM 9".

4. Appropriate correction is required.

Claim Objections

5. **Claims 36-38** are objected to because of the following informalities: reference to items not previously mentioned in the claims.

- **Claim 36** line 2, **claim 37** line 4 and **claim 38** line 3 state, "the moving-image advising unit" when there is no previously mentioned "moving-image advising unit" in the claim.

6. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 26-34 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0014202 A1 to Honda et al in view of Japanese Patent 09-284692 to Sato.**

9. **Note:** The English translation of Japanese Patent 09-284692 provided on the PTO-892 has been used for the bases of this rejection.

10. With respect to **claim 26 Honda** discloses, in Fig. 1-10, an electronic camera (paragraph 191, 194 and 197; where the electronic camera maybe the video reproducing apparatus) comprising; a memory (3 and 4) for storing various sorts of data (paragraph 81-84); a simultaneous photographing unit for recording in the memory (3 and 4) moving image data, still image data and timing information in correlation with each other, when a still-image photographing operation is performed at a given timing during a moving-image photographing operation, wherein the moving image data is obtained in the moving-image photographing operation, the still image data is obtained in the still-image photographing operation, and the timing information is indicative of the timing at which the still-image photographing operation is to be performed (paragraph 85-86 and 93-94; where still images stored in the silver-halide film 4

may be photographed at the same time video is recorded on recording medium 3; time information and whether the still image is associated with the movie image is also recorded); a moving-image reproducing unit for reproducing moving image data recorded in the memory by the simultaneous photographing unit (paragraph 95); a stand-by operation starting unit for giving notice that still image data associated with the moving image data has been found at the time when a reproducing position in moving image data has reached a position corresponding to the timing indicated by the timing information while said moving image data is being reproduced by the moving-image reproducing unit; a stand-by operation performing unit for performing the stand-by operation started by the stand-by operation starting unit in parallel with the reproduction of moving image data by the moving-image reproducing unit (paragraph 113-114, 126-127 and 129; where during movie reproduction a still image is displayed at a time corresponding to, for example, 15 second before the time of capture with respect to the movie position until 15 seconds after the time of capture with respect to the movie position; such display of the still image corresponds to the "giving notice"; and the stand by operation corresponds to the inherent timing needed to determine a still image is to be displayed until said still image is determined to be removed from displaying).

11. **Honda** does not expressly disclose that the given notice is a mark that the user may select so as to selectively view of associated still image. That is, **Honda** does not expressly disclose at the same time as giving notice, starting a stand-by operation for waiting for instructing operation by a user; and a still-image reproduction control unit for reproducing still image data associated with the moving image data, when the user has performed instructing operation while the stand-by operation is being performed by the stand-by operation performing unit, and for controlling

not to reproduce the still image data associated with the moving image data, when the user does not perform instructing operation while the stand-by operation is being performed by the stand-by operation performing unit.

12. In analogous art, **Sato** discloses, in Fig. 4, an image reproduction device that reproduces a video image and at a time an associated still image is detected in relation to the reproduced video image giving notice through use of a selectable mark; where at the time of notice the user may provide an instruction; and where the instruction controls reproduction of the still image associated with the video image. More specifically, **Sato** discloses an image reproduction device that reproduces a video image and at a time an associated still image is detected in relation to the reproduced video image giving notice through use of a selectable mark (paragraph 14-16, 18 and 26; where a star may be displayed during video reproduction which indicates there is an associated still image recorded in memory); where at the time of notice the user may provide an instruction; and where the instruction controls reproduction of the still image associated with the video image (paragraph 31; where a user may push the picture changeover button to view the associated still image). Therefore, **Sato** teaches at the same time as giving notice, starting a stand-by operation for waiting for instructing operation by a user; and a still-image reproduction control unit for reproducing still image data associated with the moving image data, when the user has performed instructing operation while the stand-by operation is being performed by the stand-by operation performing unit, and for controlling not to reproduce the still image data associated with the moving image data, when the user does not perform instructing operation while the stand-by operation is being performed by the stand-by operation performing unit.

13. As stated in **Sato** (18 and 30) at the time the invention was made it would have been obvious to one of ordinary skill in the art to have displayed a selectable mark as taught by **Sato** instead of displaying the still image itself as disclosed by **Honda**, for doing so would provide a displaying where the state of an animation and a still picture becomes more intelligible and a still picture becomes easy to admire during reproduction of an animation.

14. With respect to **claim 27 Honda** discloses, in Fig. 1-10, an electronic camera (paragraph 191, 194 and 197; where the electronic camera maybe the video reproducing apparatus) comprising; a memory (3 and 4) for storing various sorts of data (paragraph 81-84); a simultaneous photographing unit for recording in the memory (3 and 4) moving image data, still image data and timing information in correlation with each other, when a still-image photographing operation is performed at a given timing during a moving-image photographing operation, wherein the moving image data is obtained in the moving-image photographing operation, the still image data is obtained in the still-image photographing operation, and the timing information is indicative of the timing at which the still-image photographing operation is to be performed (paragraph 85-86 and 93-94; where still images stored in the silver-halide film 4 may be photographed at the same time video is recorded on recording medium 3; time information and whether the still image is associated with the movie image is also recorded); a moving-image reproducing unit for reproducing moving image data recorded in the memory by the simultaneous photographing unit (paragraph 95); a stand-by operation starting unit for giving notice that still image data associated with the moving image data has been found at the time when a reproducing position in moving image data has reached a position corresponding to the timing indicated by the timing information while said moving image data is being reproduced by

the moving-image reproducing unit; a stand-by operation performing unit for performing the stand-by operation started by the stand-by operation starting unit continuously in parallel with the reproduction of moving image data by the moving-image reproducing unit; a stand-by operation ceasing unit for controlling the stand-by operation starting unit to cease displaying the notice that still image data associated with the moving image data has been found (paragraph 113-114, 126-127 and 129; where during movie reproduction a still image is displayed at a time corresponding to, for example, 15 second before the time of capture with respect to the movie position until 15 seconds after the time of capture with respect to the movie position; such display of the still image corresponds to the "giving notice"; and the stand by operation corresponds to the inherent timing needed to determine a still image is to be displayed until said still image is determined to be removed from displaying).

15. **Honda** does not expressly disclose that the given notice is a mark that the user may select so as to selectively view of associated still image. That is, **Honda** does not expressly disclose at the same time as giving notice, starting a stand-by operation for waiting for instructing operation by a user; and a still-image reproduction control unit for reproducing the still image data associated with the moving image data, when the user has performed instructing operation while the stand-by operation is being performed by the stand-by operation performing unit; a stand-by operation ceasing unit for controlling the still-image reproduction control unit not to reproduce the still image data associated with the moving image data, and the stand by operation performing unit to cease performing the stand-by operation, when the user does not perform instructing operation before a first predetermined period lapses after the stand-by operation starting unit has started the stand-by operation.

16. In analogous art, **Sato** discloses, in Fig. 4, an image reproduction device that reproduces a video image and at a time an associated still image is detected in relation to the reproduced video image giving notice through use of a selectable mark; where at the time of notice the user may provide an instruction; and where the instruction controls reproduction of the still image associated with the video image. More specifically, **Sato** discloses an image reproduction device that reproduces a video image and at a time an associated still image is detected in relation to the reproduced video image giving notice through use of a selectable mark (paragraph 14-16, 18 and 26; where a star may be displayed during video reproduction which indicates there is an associated still image recorded in memory); where at the time of notice the user may provide an instruction; and where the instruction controls reproduction of the still image associated with the video image (paragraph 31; where a user may push the picture changeover button to view the associated still image). Therefore, **Sato** teaches at the same time as giving notice, starting a stand-by operation for waiting for instructing operation by a user; and a still-image reproduction control unit for reproducing the still image data associated with the moving image data, when the user has performed instructing operation while the stand-by operation is being performed by the stand-by operation performing unit; a stand-by operation ceasing unit for controlling the still-image reproduction control unit not to reproduce the still image data associated with the moving image data, and the stand by operation performing unit to cease performing the stand-by operation, when the user does not perform instructing operation before a first predetermined period lapses after the stand-by operation starting unit has started the stand-by operation.

17. As stated in **Sato** (18 and 30) at the time the invention was made it would have been obvious to one of ordinary skill in the art to have displayed a selectable mark as taught by **Sato**

instead of displaying the still image itself as disclosed by **Honda**, for doing so would provide a displaying where the state of an animation and a still picture becomes more intelligible and a still picture becomes easy to admire during reproduction of an animation.

18. With respect to **claim 28 Honda** discloses, in Fig. 1-10, wherein the stand-by operation starting unit starts the stand-by operation, when a reproducing position in moving image data has reached a position corresponding to a time from which a second predetermined time lapses to reach a position corresponding to the timing indicated by the timing information while the moving image data is being reproduced by the moving-image reproducing unit (paragraph 127 and 129; where during movie reproduction a still image is displayed at a time corresponding to, for example, 15 second before the time of capture with respect to the movie position until 15 seconds after the time of capture with respect to the movie position).

19. With respect to **claim 29 Honda** discloses, in Fig. 1-10, wherein the stand-by operation ceasing unit ceases the stand-by operation, when a reproducing position in moving image data has reached a position corresponding to a time from which a third predetermined time lapses after reaching a position corresponding to the timing indicated by the timing information while the moving image data is being reproduced by the moving-image reproducing unit (paragraph 127 and 129; where during movie reproduction a still image is displayed at a time corresponding to, for example, 15 second before the time of capture with respect to the movie position until 15 seconds after the time of capture with respect to the movie position, thus the still image reproduction indication is ceased after a predetermined time from when it was captured).

20. With respect to **claim 30 Honda** discloses, in Fig. 1-10, wherein the first predetermined period is a period of several seconds (paragraph 129).

21. With respect to **claim 31 Sato** discloses, in Fig. 4, further comprising: a moving-image reproduction control unit for reproducing moving image data associated with the still image data recorded in the memory by the simultaneous photographing unit, when reproduction of moving image data is instructed while the still image data recorded in the memory by the simultaneous photographing unit is being reproduced (paragraph 35-39; where the user may press the picture change 1 button to switch from a video reproduction to the still image reproduction and then the user has the ability to switch back from the still image reproduction to the video reproduction by pressing the picture change 1 again).

22. With respect to **claim 32 Sato** discloses, in Fig. 4, wherein the moving- image reproduction control unit starts reproduction of the moving image data from a reproducing position corresponding to the timing indicated by the timing information, when the moving image data associated with the still image data is reproduced (paragraph 39; where the paused video file is unpaused once the picture change 1 switch is pushed to return to the video reproduction, thus the video is reproduced from a position corresponding to the timing associated with the still image data).

23. With respect to **claim 33 Sato** discloses, in Fig. 4, wherein the moving- image reproduction control unit comprises a moving-image advising unit for giving notice that moving image data associated with the still image data is available, while the still image data is being reproduced, wherein the moving-image reproduction control unit reproduces moving image data associated with the still image data, when the user gives an instruction for reproduction of moving image data upon confirmation of the notice of the moving-image advising unit (paragraph 31-32 and 35-39; where the video image is paused and displayed in the small screen

during display of the associated still image and the user may then push the picture change over button to return the video to the big screen and continue reproduction of the video, thus said paused video in the small screen in the "giving notice").

24. With respect to **claim 34 Sato** discloses, in Fig. 4, wherein the stand-by operation starting unit displays a still image mark to give notice that still image data is available, and the moving-image advising unit displays a moving image mark different from the still image mark to give notice that moving image data is available (paragraph 18 and 32; where the still image mark is a star and the video image mark is a paused frame of the video).

25. With respect to **claim 36 Sato** discloses, in Fig. 4, wherein the stand-by operation starting unit and a moving-image advising unit display other image data associated with image data which is being reproduced, together with said image data which is being reproduced, thereby giving said notice (paragraph 18; where a star is displayed with the video image data being reproduced to give notice to corresponding still image data).

26. With respect to **claim 37 Sato** discloses, in Fig. 4, further comprising: a simultaneous reproducing unit for reproducing plural sorts of image data including moving image data and still image data, simultaneously, wherein the stand-by operation starting unit and the moving-image advising unit display a notice indicating whether simultaneously photographed images corresponding respectively to images which are being reproduced simultaneously by the simultaneous reproducing unit are available or not (paragraph 16 and 18; where a star mark is displayed to show that corresponding still image data are available for display by pressing the picture change button).

27. With respect to **claim 38 Sato** discloses, in Fig. 4, wherein, when a plurality of images are photographed and recorded simultaneously with image data which is being reproduced, the stand-by operation starting unit and the moving- image advising unit give notice to that effect (paragraph 16 and 18; where a star mark is displayed to show that corresponding still image data are available for display by pressing the picture change button, this star is displayed each time during video reproduction that an associated still image is available, thus the star is displayed for a plurality of images).

28. With respect to **claim 39 Honda** discloses, in Fig. 1-10, wherein, when still- image photographing operation has being performed during moving-image photographing operation, the simultaneous photographing unit associates moving image data with still image data using either one of file names and information indicating times when photographing operations are performed, and records the data associated with each other in the memory, wherein the moving image data is obtained in the moving-image photographing operation, and the still image data is obtained in the still-image photographing operation, and the file names are used for recording the moving image data and still image data (paragraph 85, 89 and 93; where information relating the still and video images are recorded into the still image and video image, this information can be seen in Fig. 7 to comprise time and file name information, i.e. film title/frame title).

29. The Examiner notes that **claim 40** is a corresponding computer program claim of **claim 27**. While **Honda in view of Sato** discloses all the limitations of **claim 27** it does not disclose doing so through use of a computer program.

30. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of controlling a camera from a computer-readable storage medium storing a program

used to direct the camera are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included controlling the process disclosed by **Honda in view of Sato** by a computer-readable storage medium storing a program used to direct a camera, for doing so would allow for the control of the camera to easily be updated if the process must be changed by providing the process as a computer program as opposed to executing the process through specific hardware units.

Allowable Subject Matter

31. **Claim 35** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

32. The following is a statement of reasons for the indication of allowable subject matter:

33. With respect to **claim 35** the prior art discloses a simultaneous reproduction camera which gives notice of when a still image corresponding to the reproduced video image is in memory and allows the user to switch reproduction to that of the associated still image. The prior art then discloses that during reproduction of the still image notice of the associated video is given and the user may select to return to the corresponding portion of the video.

34. However, the prior art does not teach or fairly suggest wherein when reproduction of the moving image data is restarted after reproduction of moving image data was interrupted by the still-image reproduction control unit to perform reproduction of still image data, the moving-image reproduction control unit starts reproduction of the moving image data from a reproducing position corresponding to the timing indicated by the timing information regardless of whether a

position at which the still-image reproduction control unit interrupts reproduction of the moving image data corresponds to any position corresponding to a time falling within the first predetermined period.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6,871,010 to Taguchi et al
- U.S. Patent 7,228,061 to Mori et al
- U.S. Patent 7,257,317 to Ohnishi
- U.S. Patent Application Publication 2005/0069297 A1 to Kobayashi et al

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Pasiewicz whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP
February 9, 2008

/John M. Villecco/
Primary Examiner, Art Unit 2622
February 11, 2008